

MINUTES OF THE STANDING COMMITTEE ON ENERGY AND TECHNOLOGY

Wednesday, June 22, 2005 8:30 a.m. Room 519 House Office Building, Lansing

Representative Nofs, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hopgood, Clemente. (18/19)

ABSENT/EXCUSED: Representative Hunter. (1/19)

Representative Schuitmaker made a motion to adopt the minutes of the meeting of June 15, 2005, supported by Representative LaJoy. No objections being offered, a unanimous ballot was cast to accept the minutes as presented.

The Chair laid SB 522 before the Committee.

SB 522 McManus Public utilities; other; use of highway by public utilities; provide for under certain conditions.

The following individuals spoke to the Committee regarding SB 522:

David Bertram, representing the Michigan Townships Association, in opposition
Tom Hickson, representing the Michigan Association of Counties, in opposition
Raymond Snell, representing Blackman Charter Township, in support
Christine Timmons, representing the Capitol City Political Journal and the Jewels of Knowledge TV Productions, in support
Arnold Weinfeld, representing the Michigan Municipal League, in opposition
John Pollard, representing himself as a Lansing citizen, in opposition
Larry Meyer, member of the Lansing City Council, in support

Cards were submitted by:

Sandy Allen, President of the Lansing City Council, in opposition
Greg White, Mark Nida and Julie Baldwin, representing the Michigan Public Service Commission (MPSC), available to answer questions and neutral on the bill
Steve Koster, representing the Wolverine Pipeline/ERM, available to answer questions, and in support of the bill

Representative Clemente made a motion to adopt SB 522 (H-1), supported by Representative Hopgood; the motion and support were withdrawn to allow discussion regarding the H-1 substitute.

Subsequent to discussion, Representative Clemente made a motion to adopt SB 522 (H-1), supported by Representative Hopgood.

Chair Nofs stated that the Committee would stand at ease, the time being 9:44 a.m.

The Chair reconvened the meeting at 9:49 a.m.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Accavitti, Murphy, Mayes, Hopgood, Clemente. (5/19)

Nays: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker. (12/19)

Pass: None. (0/19) (5/12/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Hopgood made a motion to amend SB 522, supported by Representative Clemente, as follows:

1. Amend page 2, line 13, after “**INCLUDED**” by inserting “**PETROLEUM**”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Hopgood, Clemente. (2/19)

Nays: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Mayes. (14/19)

Pass: Representative Murphy. (1/19) (2/14/1)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Murphy made a motion to amend SB 522, supported by Representative Hopgood, as follows:

1. Amend page 2, line 19, by striking out “**AND IS NOT REQUIRED TO OBTAIN THE CONSENT OF THE GOVERNING BODY OF THE CITY, VILLAGE, OR TOWNSHIP AS REQUIRED UNDER SUBSECTION (1)**” and inserting “**UPON OBTAINING THE CONSENT OF THE GOVERNING BODY OF THE CITY, VILLAGE, OR TOWNSHIP AS REQUIRED UNDER SUBSECTION (1), PROVIDED THAT A CITY, VILLAGE, OR TOWNSHIP MAY NOT WITHHOLD ITS CONSENT FOR REAONS THAT ARE ARBITRARY OR CAPRICIOUS.**”

Paul Novak, Lansing City Attorney, reviewed the amendment with Committee members.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Accavitti, Murphy, Mayes, Hopgood, Clemente. (5/19)

Nays: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker. (12/19)

Pass: None. (5/12/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Accavitti made a motion to amend SB 522, supported by Representative Mayes, as follows:

1. Amend page 2, line 27, after “capital” by striking out “and maintenance” and inserting a comma and “**MAINTENANCE, AND PERMITTING**”.
2. Amend page 3, line 5, after “permit.” By inserting “**IF THE 1-TIME INSTALLATION PERMIT FEE DOES NOT COVER THE REASONABLE AND ACTUAL COSTS TO THE DEPARTMENT IN ISSUING THE PERMIT, THE DEPARTMENT MAY ASSESS THE UTILITY FOR THE REMAINING BALANCE.**”.
3. Amend page 3, line 7, after “highways” by inserting a comma and “**INCLUDING THE COST OF ISSUING THE PERMIT**”.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hopgood, Clemente. (18/19)

Nays: None. (0/19)

Pass: None. (0/19) (18/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Palsrok made a motion to report SB 522 as amended with recommendation, supported by Representative Garfield.

FAVORABLE ROLL CALL:

Yeas: Representatives Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Mayes. (15/19)

Nays: Representatives Murphy, Hopgood. (2/19)

Pass: Representative Clemente. (1/19) (15/19)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Accavitti made a motion to excuse absent members, supported by Representative Stahl. No objections being offered, absent members were excused.

There being no additional business before the Committee, Chair Nofs declared the meeting adjourned, the time being 9:59 a.m.

